


SECRET

MAY 22 2007

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|  | U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement | | ASSISTANCE ID NO. | | DATE OF AWARD 05/15/2007 | |
| | | | PRO | DOC ID | | AMEND# |
| | | | PS - | 83346901 | | - 0 |
| | | | TYPE OF ACTION New | | | |
| RECIPIENT TYPE: Not for Profit | | PAYMENT METHOD: ACH | | MAILING DATE 05/22/2007 | | |
| RECIPIENT: LA Env. Justice Community Organization Coalition 32365 Doc Dean Street White Castle, LA 70788 EIN: 76-0802671 | | Send Payment Request to: Las Vegas Finance Center | | PAYEE: Treasurer, Financial Secretary, Advocacy Commissioner LA Env. Justice Community Organization Coalition 32365 Doc Dean Street White Castle, LA 70788 | | |
| PROJECT MANAGER Alberta Hasten 32365 Doc Dean Street White Castle, LA 70788 E-Mail: lejoc@yahoo.com Phone: 225-545-5520 | | EPA PROJECT OFFICER Victoria Robinson 1200 Pennsylvania Ave. NW, 2201A Washington, DC 20460 E-Mail: Robinson.Victoria@epa.gov Phone: 202-564-0349 | | EPA GRANT SPECIALIST Cheryl Clark 1200 Pennsylvania Avenue, NW, 3903R E-Mail: Clark.Cheryl@epamail.epa.gov Phone: 202-564-5313 | | |
| PROJECT TITLE AND DESCRIPTION Water, Air, Soil (WAS) Campaigns Air Phase Small Grant - The recipient will train residents of Shreveport, Louisiana and St. James Parish on the use of Alternative Dispute Resolution so they will be empowered to negotiate with the industries in these two communities to reduce the residents' exposures to toxic air emissions. The recipient will also work with the industries to make changes to their equipment and/or operating controls. | | | | | | |
| BUDGET PERIOD 05/15/2007 - 05/14/2010 | | PROJECT PERIOD 05/15/2007 - 05/14/2010 | | TOTAL BUDGET PERIOD COST \$100,000.00 | | |
| | | | | TOTAL PROJECT PERIOD COST \$100,000.00 | | |
| NOTICE OF AWARD | | | | | | |
| Based on your application dated 10/23/2006, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$100,000. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$100,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter I, Subchapter B, and all terms and conditions of this agreement and any attachments. | | | | | | |
| ISSUING OFFICE (GRANTS MANAGEMENT OFFICE) | | | AWARD APPROVAL OFFICE | | | |
| ORGANIZATION / ADDRESS Grants and Interagency Agreement Management Division 1200 Pennsylvania Ave. NW Mail code 3903R Washington, DC 20460 | | | ORGANIZATION / ADDRESS Environmental Protection Agency Office of Enforcement & Compliance Assurance 1200 Pennsylvania Ave. NW Washington, DC 20460 | | | |
| THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY | | | | | | |
| SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official | | TYPED NAME AND TITLE Mikred Leo, Chief - Grants Operations Branch A | | DATE 05/15/2007 | | |
| AFFIRMATION OF AWARD | | | | | | |
| BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION | | | | | | |
| SIGNATURE Alberta D. Hasten | | TYPED NAME AND TITLE Alberta D. Hasten, Exec. Pres. | | DATE 10-10-07 | | |

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|---|---|----------------------|
| Assistance Program (CFDA) | Statutory Authority | Regulatory Authority |
| 66 306 Environmental Justice Collaborative Problem-Solving Grants Program | Clean Air Act: Sec. 103(b)(3) Toxic Substances Control Act: Sec. 10(a) | 40 CFR PART 30 |

| Fiscal | | | | | | | | | |
|-----------|------------|------|-----------------|------------------------|---------|-----------------|--------------|----------------------|------------------------------|
| Site Name | Req No | FY | Approp. Code | Budget Organization | PRC | Object Class | Site/Project | Cost Organization | Obligation / Deobligation |
| | 05E850C013 | 0507 | B | E800ALB | 402E57D | 4183 | | | 100 600 |
| | | | | | | | | | 100,000 |

Budget Summary Page

| Table A - Object Class Category (Non-construction) | Total Approved Allowable Budget Period Cost |
|---|--|
| 1. Personnel | \$30,000 |
| 2. Fringe Benefits | \$2,250 |
| 3. Travel | \$4,441 |
| 4. Equipment | \$0 |
| 5. Supplies | \$9,603 |
| 6. Contractual | \$27,616 |
| 7. Construction | \$0 |
| 8. Other | \$26,090 |
| 9. Total Direct Charges | \$100,000 |
| 10. Indirect Costs: % Base | \$0 |
| 11. Total (Share: Recipient 0.00 % Federal 100.00 %) | \$100,000 |
| 12. Total Approved Assistance Amount | \$100,000 |
| 13. Program Income | \$0 |
| 14. Total EPA Amount Awarded This Action | \$100,000 |
| 15. Total EPA Amount Awarded To Date | \$100,000 |

Administrative Conditions

Minority Business Enterprises (MBE)/Women's Business Enterprises (WBE) Terms and Conditions for non-SRF Recipients with EPA-approved FY2006 MBE/WBE Goals that were not based on historical data of dollars awarded to MBEs and WBEs

1. The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements:

(a) The recipient accepts the applicable FY2006 Minority Business Enterprise (MBE)/Womens' Business Enterprise (WBE) "fair share" goals/objectives negotiated with EPA by the State as the FY2006 MBE/WBE "fair share" goals/objectives as follows:

| | MBE | WBE |
|----------------|---------------|---------------|
| Construction | <u>31%</u> | <u>5 %</u> |
| Supplies | <u>2.03%</u> | <u>2.3 %</u> |
| Services | <u>6.19 %</u> | <u>8.49 %</u> |
| Equipment | <u>2.42 %</u> | <u>2.69 %</u> |
| | OR | |
| Combined Rate: | _____ % | _____ % |

If the recipient wishes to negotiate their own MBE/WBE goals, the recipient must submit proposed MBE/WBE goals based on an availability analysis, or, at their option, a disparity study, of qualified MBEs and WBEs to do the work in the relevant market for construction, equipment, services, and supplies. The recipient agrees to submit proposed "fair share" objectives, together with the supporting availability analysis or disparity study, to the MBE/WBE Coordinator, Veronica Squirrel, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW Mail Code 3903R, Room 51275, Washington, DC 20460, 202-564-5347, within 30 days of award. EPA will conclude "fair share" negotiations within 30 days of receiving the submission. Once EPA approves the objectives, the recipient agrees to apply them in accordance with paragraphs 1.(b)-(f).

(b)(1) The recipient agrees to ensure, to the fullest extent possible, that at least the applicable "fair share" objectives of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women and Historically Black Colleges and Universities.

(2) For assistance agreements related to research under the Clean Air Act Amendments of 1990, the recipient agrees to ensure, to the fullest extent possible, that at least the applicable "fair share" objectives of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, disabled Americans, Historically Black Colleges and Universities, Colleges and Universities having a student body in which 40% or more of the students are Hispanic, minority institutions having a minority student body of 50% or more, and private and voluntary organizations controlled by individuals who are socially and economically disadvantaged.

(c) The recipient agrees to include in its bid documents the applicable "fair share" objectives of Federal funds and require all of its prime contractors to include in their bid documents for subcontracts the negotiated "fair share" percentages.

(d) The recipient agrees to follow the six affirmative steps or positive efforts stated in 40 CFR 30.44(b), 40 CFR 31.35(e), or 40 CFR 35.6580, as appropriate, and retain records documenting compliance.

(e) The recipient agrees to submit an EPA form 5700-52A "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements," beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted to MBE/WBE Coordinator, Veronica Squirrell, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW Mail Code 3903R, Room 51275, Washington, DC 20460, 202-554-5347, within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30, and October 30). For assistance awards for continuing environmental programs (40 CFR Part 35, Subpart A and B) and assistance awards with institutions of higher education, hospitals and other non-profit organizations, the recipient agrees to submit an EPA form 5700-52A to MBE/WBE Coordinator, Veronica Squirrell, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW Mail Code 3903R, Room 51275, Washington, DC 20460, 202-554-5347, by October 30 of each year.

(f) If race and/or gender neutral efforts prove inadequate to achieve a "fair share" objective, the recipient agrees to notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the "fair share" objective.

2. The recipient agrees, if a contract is awarded under this assistance agreement, in accordance with Section 129 of Public Law 100-590, the Small Business Administration and Reauthorization and Amendment Act of 1988, to utilize and encourage the contractor to utilize small business located in rural areas (SBRA), to the maximum extent possible, through the use of the six affirmative steps.

3. EPA may take corrective action under 40 CFR Parts 30, 31, and 35, as appropriate, if the recipient fails to comply with these terms and conditions.

2. Pursuant to 40 CFR 30.52(a)(1) and 30.71(a), EPA recipients shall submit a final Financial Status Report - also called the SF269 - to EPA's Las Vegas Finance Center (LVFC), within ninety (90) days after the expiration of the budget period end date. Completed SF269s must be faxed to 702-798-2423 or mailed to the following address: US EPA LVFC, P.O. Box 98515, Las Vegas, NV 89193-8515. The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Financial Status Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 30.62 if the recipient does not comply with this term and condition.

3. HOTEL-MOTEL FIRE SAFETY

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, the recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

4. In accordance with EPA guidance and OMB Circular No. A-21 or A-122, as appropriate, the recipient agrees that it will not use assistance funds (Federal or non-Federal share) for lobbying or political activities.

5. In accordance with Section 18 of the Lobbying Disclosure Act of 1995, PL. No. 105-65, 109 Stat. 691, the recipient affirms that

(1) it is not a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986, or

(2) it is a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986 but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act

of 1955.

6. The recipient agrees to provide EPA Form 5700-53, Lobbying and Litigation Certificate as mandated by EPA's annual appropriations act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The certification must be submitted in accordance with the instructions provided by the EPA award official and is due 90 days after the end of the project period.

7. Recipients shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipients may access the Excluded Parties List System at <http://www.epls.gov>. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

8. The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html.

9. Payment to consultants. EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2007, the limit is \$557.28 per day and \$69.66 per hour. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

Subagreements with firms for services which are awarded using the procurement requirements in 40 CFR 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provided the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR 31.36(j) or 30.27(b).

10. The recipient agrees to maintain administrative and management systems in compliance with grant regulation 40 CFR Part 30. To document compliance the recipient is required to complete an Administrative Capability Review which entails submission of a questionnaire, supporting materials, and resolution of any findings reported back to the recipient. EPA will notify the recipient upon successful completion of the Review.

If the Administrative Capability Review is not successfully completed, EPA reserves the right to initiate

enforcement measures under the noncompliance provisions of EPA's regulations (40 CFR Part 31.43). These measures may include:

- Annuling the assistance agreement and requesting repayment of part or all of the funds.
- Suspending or debarring the recipient as an eligible participant in Federal programs.
- Disallowing project costs directly related to the noncompliance and requesting reimbursement.

11. a. The recipient agrees to:

- (1) Establish all subaward agreements in writing;
- (2) Maintain primary responsibility for ensuring successful completion of the EPA-approved project (this responsibility cannot be delegated or transferred to a subrecipient);
- (3) Ensure that any subawards comply with the standards in Section 210(a)-(d) of OMB Circular A-133 and are not used to acquire commercial goods or services for the recipient;
- (4) Ensure that any subawards are awarded to eligible subrecipients and that proposed subaward costs are necessary, reasonable, and allocable;
- (5) Ensure that any subawards to 501(c)(4) organizations do not involve lobbying activities;
- (6) Monitor the performance of their recipients and ensure that they comply with all applicable regulations, statutes, and terms and conditions which flow down in the subaward;
- (7) Obtain EPA's consent before making a subaward to a foreign or international organization, or a subaward to be performed in a foreign country; and
- (8) Obtain approval from EPA for any new subaward work that is not outlined in the approved work plan in accordance with 40 CFR Parts 30.25 and 31.30, as applicable.

- b. Any questions about subrecipient eligibility or other issues pertaining to subawards should be addressed to the recipient's EPA Project Officer. Additional information regarding subawards may be found at <http://www.epa.gov/ogd/guide/subaward-policy-part-2.pdf>. Guidance for distinguishing between vendor and subrecipient relationships and ensuring compliance with Section 210(a)-(d) of OMB Circular A-133 can be found at <http://www.epa.gov/ogd/guide/subawards-appendix-b.pdf> and <http://www.whitehouse.gov/omb/circulars/a133/a133.html>.
- c. The recipient is responsible for selecting its subrecipients and, if applicable, for conducting subaward competitions.

Programmatic Conditions

1. In accordance with EPA regulations, (40 C.F.R. 31.40 for State, local and tribal governments; 40 C.F.R. 30.51 for other recipients) the recipient agrees to submit semi annual progress reports to the EPA Project Officer within thirty days after each six-month anniversary of the award. These reports shall cover work status, work progress, difficulties encountered, preliminary data results and a statement of activity anticipated during the subsequent reporting period, including a description of equipment, techniques, and materials to be used or evaluated. A discussion of expenditures along with a comparison of the percentage of the project completed to the project schedule and an explanation of significant discrepancies shall be included in the report. The report shall also include any changes of key personnel concerned with the project.

In addition, the report shall include brief information on each of the following areas: 1) a comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan, 2) reasons why anticipated outputs/outcomes were not met, and 3) other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs. The recipient agrees that it will notify EPA of problems, delays, or adverse conditions which materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

A template of items to be included will be developed in consultation with EPA.

2. In accordance with EPA regulations (40 C.F.R. 31.40 for State, local and tribal governments, 40 C.F.R. 30.51 for other recipients), the recipient agrees to submit to the EPA Project Officer within 90 days

PROGRAMMATIC TERMS & CONDITIONS

1. In accordance with EPA regulations, (40 C.F.R. 31.40 for State, local and tribal governments, 40 C.F.R. 30.51 for other recipients) the recipient agrees to submit semi annual progress reports to the EPA Project Officer within thirty days after each six-month anniversary of the award. These reports shall cover work status, work progress, difficulties encountered, preliminary data results and a statement of activity anticipated during the subsequent reporting period, including a description of equipment, techniques, and materials to be used or evaluated. A discussion of expenditures along with a comparison of the percentage of the project completed to the project schedule and an explanation of significant discrepancies shall be included in the report. The report shall also include any changes of key personnel concerned with the project.

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A template of items to be included will be developed in consultation with EPA.

2. In accordance with EPA regulations (40 C.F.R. 31.40 for State, local and tribal governments; 40 C.F.R. 30.51 for other recipients), the recipient agrees to submit to the EPA Project Officer within 90 days after the expiration or termination of the approved project period a final report and at least one reproducible copy suitable for printing. The final report shall document project activities over the entire project period and shall include brief information on each of the following areas: 1) a comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan; 2) reasons why anticipated outputs/outcomes were not met; and 3) other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs. The recipient agrees that it will notify EPA of problems, delays, or adverse conditions which materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

3. Acceptable Quality Assurance Documentation must be submitted to the EPA Project Officer within 60 days of the acceptance of this agreement. No work involving direct measurements or data generation, environmental modeling, compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology shall be initiated under this project until the EPA Project Officer, in concert with the EPA Quality Assurance Manager, has approved the quality assurance documentation (see 40 CFR 30.54 or 31.45 as appropriate). Additional information on these requirements can be found at the EPA Office of Grants and Debarment Web Site:

<http://www.epa.gov/ogd/grants/assurance.htm>

4. The recipient agrees that any product (e.g., publication, outreach materials, training manuals) produced through this assistance agreement and made available for public view must first be reviewed by the EPA Project Officer for comment before release. The recipient shall make all final decisions on the product content.

5. The recipient shall consult with the EPA Project Officer on a monthly basis in order to obtain input on program activities and products produced. However, the recipient shall make all final decisions on project implementation and product content. Monthly conference call minutes will be prepared after each monthly call.

6. Any changes to the project must be submitted to the EPA Project Officer for approval prior to implementation. Where required by EPA regulation 40 C.F.R. 30.25, the EPA Project Officer will forward change requests to the EPA Award Official for approval prior to implementation.